

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DERRICK LAMONT MOORE,

Plaintiff,

v.

ORDER

11-cv-800-slc

CHIEF ROBERT P. WEIER,
OFFICER ALAN SCHRANK, and
MINERAL POINT POLICE DEPARTMENT,

Defendants.

Plaintiff Derrick Moore, an inmate at the Dane County Jail in Madison, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a full six-month trust fund account statement with his complaint.

Plaintiff's complaint was filed on November 30, 2011. His trust fund account statement should cover the six-month period beginning approximately June 30, 2011 and ending approximately November 30, 2011. Instead, plaintiff submitted a transaction log covering just more than three months beginning July 25, 2011 and ending November 3, 2011. Under 28 U.S.C. § 1915(a)(2), when an inmate is incarcerated at one or more institutions during the six-month period immediately preceding the filing of his lawsuit, he must obtain a trust fund account statement "from the appropriate official of each prison at which [he] is or was confined" during the relevant period. Therefore, if plaintiff was incarcerated at in any other jail or institution between June 30, 2011 and November 30, 2011, he will have to write to that institution to request a certified copy of his trust fund account statement for the relevant period.

Once plaintiff has submitted the necessary six month statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2). Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send a copy of plaintiff's account statement to this court.

ORDER

IT IS ORDERED that plaintiff Derrick Moore may have until December 29, 2011, in which to submit a certified copy of his trust fund account statement for the period beginning approximately June 30, 2011 and ending approximately November 30, 2011. If, by December 29, 2011, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 1st day of December, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge